

REMARKS

Upon entry of this amendment, claims 15-17, 35, 38, and 49-99 are pending. Support for newly added claim 99 can be found in the specification at, *e.g.*, p. 92, lines 4-6.

Claim Rejections -- 35 U.S.C. § 112

Claims 15-17, 35, 38 and 49-98 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner argues:

“...neither the specification as filed or the original claims refer to either a particular region of SEQ ID NO. 5 or to antibodies against that region.” (Office Action, p. 3).

Applicants respectfully disagree. The currently pending claims relate to an antibody that immunospecifically binds to a portion of SEQ ID NO: 5. The specification teaches on page 44, lines 19-29 that a portion or fragment of SEQ ID NO: 5 can be used as an immunogen in the generation of antibodies that immunospecifically-bind these protein components. (*See, e.g.*, p. 44, lines 1-10). In a specific example, newly added claim 99 relates to an antibody that immunospecifically binds to a polypeptide comprising amino acids 28-538 of SEQ ID NO:5, wherein said isolated antibody does not immunospecifically bind to the polypeptide of SEQ ID NO: 52. The specification specifically describes this particular fragment, at *e.g.*, p. 92, lines 4-6. Applicants teach that this fragment corresponds to the predicted extracellular domain of NOV 2. (p. 92, lines 4-6). Thus, the specification as filed does, in fact, refer to a particular region of SEQ ID NO: 5.

In view of the above, the specification clearly conveys to one skilled in the relevant art that Applicants contemplated antibodies binding to a portion of SEQ ID NO: 5 in the specification as filed.

The Examiner further argues that there is no support for antibodies that do not bind to the mouse sequence of SEQ ID NO: 52. Applicants respectfully disagree. The specification teaches that fragments of SEQ ID NO: 5 can be used as immunogens in the generation of antibodies that immunospecifically-bind to SEQ ID NO: 5. Specifically, the specification states:

“As disclosed herein, NOV protein sequences of SEQ ID NO: 2, 5, or 7, or derivatives, fragments...thereof, can be utilized as immunogens in the generation of antibodies that immunospecifically-bind these protein components.” (p. 44, lines 19-21, *emphasis added*).

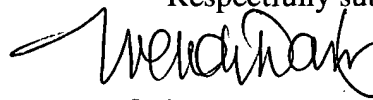
By specifying that the antibodies immunospecifically bind to "*these* protein components"—meaning SEQ ID NOS: 2, 5, and 7, that necessarily excludes antibodies that bind to SEQ ID NO: 52. Accordingly, there is support in the application for antibodies that do not bind to the mouse sequence of SEQ ID NO: 52.

In view of the above, Applicants submit that the claims are adequately supported by the specification, and thus respectfully request withdrawal of this rejection.


CONCLUSION

Based on the instant amendments and remarks, Applicants submit that this application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully submitted,

 Reg # 38427

Dated: December 22, 2004

 George Yahwak, Reg. No. 26,824
CuraGen Corporation
555 Long Wharf Drive
New Haven, CT 06511
Tel: (203) 974-6303
Fax: (203) 401-3351